

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and the following remarks, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-63 are pending in this application. Claims 6-10, 16-35, and 50-63 are withdrawn from further consideration. By this amendment, as indicated in the listing of the claims above, claims 1-4, 11, and 36 are amended.

Support for the amendments can be found throughout the Specification as originally filed, e.g. Figs. 1, 5A-H and its corresponding disclosure in the specification as originally filed.

Accordingly, no new matter is introduced by these amendments.

II. DRAWINGS

The specification with respect to Figs. 5A-5H was objected to as being unclear. The specification is hereby amended to overcome this objection.

Reconsideration of the objection and withdrawal thereof is respectfully requested.

III. THE REJECTIONS UNDER 35 U.S.C. § 112

Claims 1-5, 11-15, and 36-49 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. As indicated above, independent claims 1, 11, and 36 have been amended by this response, thereby obviating the § 112 rejections. The specification also has been amended to improve the clarity of the claimed subject matter.

Accordingly, Applicant respectfully requests withdrawal of the § 112 rejection in this application.

IV. REJECTIONS UNDER 35 U.S.C. §§ 102 & 103

Claims 1-5, 11-15, 36-43, 48, and 49 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,093,491 to Dugan et al. (“Dugan”).

Instant claim 1 recites:

“A papermaking fabric or an engineered fabric for use in the production of paper or nonwovens, said fabric comprising:

a plurality of uncoated functional monofilaments having a substantially flat cross-section, wherein a top and/or bottom surface of said monofilaments have a plurality of grooves formed thereon.” (Emphasis added)

Accordingly, one embodiment of the present invention relates to a papermaking fabric or an engineered fabric for use in the production of paper or nonwovens, said fabric comprising a plurality of uncoated functional monofilaments having a substantially flat cross-section, wherein the top and/or bottom surface of the monofilaments have a plurality of grooves formed thereon.

Dugan relates to a thermoplastic fiber showing moisture wicking properties. Dugan specifically relates to conventional textile garments and their moisture wicking properties.

Dugan, in its entirety, does not teach or suggest the above identified feature of claim 1. Specifically, Dugan fails to disclose or render obvious “a papermaking or engineered fabric for use in the production of paper or nonwovens, said fabric comprising a plurality of uncoated functional monofilaments having a substantially flat cross-section, wherein the top and/or bottom surface of the monofilaments have a plurality of grooves formed thereon,” as recited in instant claim 1.

For at least the foregoing reasons, Applicants respectfully submit that claims 1 and 36 are patentable over Dugan. Since Dugan fails to teach or render obvious “a papermaking fabric or an engineered fabric configured for use in a papermaking or nonwoven production machine,” as recited in claim 11, instant claim 11 is also patentable over Dugan.

Additionally, since claims 2-5, 12-15, and 37-49 are directly or indirectly dependent on one of the above claims, they are also patentable over Dugan.

Claims 1-5, 11-15, 36-43, 45, 48, and 49 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0127127 to Dana Eagles (“Eagles”).

Applicants respectfully submit that Eagles fails to teach or suggest a fabric comprising a plurality of uncoated functional monofilaments, as recited in the instant claims. Applicants respectfully submit that what is shown in Fig. 3A is an intermediate step and the final structure of Eagles is in fact coated and not “uncoated” as recited in the instant claims.

For at least the foregoing reasons, Applicants respectfully submit that claims 1, 11, and 36 are patentable over Eagles.

Additionally, since claims 2-5, 12-15, and 37-49 are directly or indirectly dependent on one of the above claims, they are also patentable over Eagles.

Claims 1-5, 11-15, and 36-49 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,925,434 to Phillips et al. (“Phillips”) in view of Eagles.

Applicant submits that the rejection of claims 1-5, 11-15, and 36-49 under 35 U.S.C. §103(a) is invalid. Therefore, Applicant requests that the rejection of claims 1-5, 11-15, and 36-49 be withdrawn.

Eagles is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (c), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Eagles and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Albany International Corp. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Eagles is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus the outstanding §103(a) rejection based upon Eagles in the Office Action has been overcome.

CONCLUSION

In view of the remarks and amendments herewith, it is believed that all of the claims in this application are patentable over the prior art, and an early favorable consideration thereof is solicited.

The Commissioner is authorized to charge any additional fee that may be required to Deposit Account No. 50-0320.

Respectfully submitted,
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